

GEORGIA STATE BOARD OF OPTOMETRY

Conference Call - September 27, 2005

A conference call meeting of the Georgia State Board of Optometry was held on Tuesday, September 27, 2005 at 8:00 a.m. in Room 310, Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia

**The following Board members were present:**

Kay Royal, President

H. Kemp Jones

William Sharpton

Patricia Donnelly

**Others Present:**

Brig Zimmerman, Executive Director, Yvonne LeSane, Board Secretary, Wylencia Monroe, Board Attorney and Serena Gadson, Application Specialist.

President Royal established that a quorum was present and called the meeting to order at 8:00 a.m.

**2006 Board Meeting Dates:**

Dr. Jones moved and Ms. Donnelly seconded and the Board voted to approve the following meeting dates for 2006:

- January 4, 2006
- April 19, 2006
- July 26, 2006
- October 25, 2006

**Policy: Emergency Licensure:**

The Board revisited the issue of an emergency licensure due to Hurricane Katrina. Although the Board voted to reduce the Endorsement fee to \$10.00 at a prior conference call, consideration was not given to the Jurisprudence Examination and fee of \$100.00 which is separate.

Ms. Monroe stated that the Attorney General's office advises that each Board follow its own set of laws and rules for qualification for licensure. It was further stated that the Optometry law does not require the Jurisprudence Examination, however the rule does. Ms. Monroe suggested a rule waiver which allows the Board to waive any requirement, however the applicant must still meet the endorsement rule. A rule waiver takes approximately 15-60 days and should be done on an individual basis. The Board will review each application on an individual basis.

The Board discussed at length the various Boards within the Professional Licensing Boards Division and their policies.

Dr. Jones moved and Dr. Sharpton seconded and the Board voted to institute a policy for emergency Optometry licensure. The Endorsement fee for this purpose will be \$10.00, non-refundable fee. The applicant should also complete and submit the waiver application for the Jurisprudence Examination. Upon receipt of a completed Endorsement application, waiver application and the appropriate fee, a conference call will be scheduled to review and possibly license the applicant depending upon proof of hardship. Should the Board find no proof of hardship, the applicant will be required to pay the \$100. (non-refundable) examination fee, in addition to the \$10.00 Endorsement fee. The applicant must take and pass the Jurisprudence examination before being licensed.

Dr. Jones moved and Dr. Sharpton seconded and the Board voted to designate Louisiana, Alabama and Mississippi as disaster/emergency states for purposes of this policy adoption, however all Endorsement application fees will be \$10.00. The Board will re-visit this policy in six (6) months:

**Category: Licensure** **Policy: ■**  
**Title: Processing Exceptions Due to Natural Disasters for Applications  
For Licensure as an Optometrist by Endorsement**

**Procedure:** □

**Statutory Basis:** **OCGA § 43-30 -7**

Each applicant must complete an application for licensure by endorsement as an Optometrist. All applications can be obtained via verbal request (478-207-2440) or by downloading the forms from our website – [www.sos.state.ga.us/plb/optometry](http://www.sos.state.ga.us/plb/optometry). The Georgia State Board of Optometry (“Board”) may identify states affected by natural disaster or emergencies for which exceptions may be made and for the length of time the exceptions may be allowed.

This policy addresses the special circumstances of applicants for licensure by endorsement whose home state is identified by the Board as being in emergency or disaster status. The intention of the Board is to expedite the application processing and licensure of applicants by endorsement from states that are experiencing an emergency or natural disaster. Applicants from such states may not be able to provide required picture identification or original and current licensure verification as part of the application process.

**Pursuant to the law, as provided in O.C.G.A. § 43-30-7, applicants must provide the following verifications in support of an application for licensure by endorsement as an Optometrist:**

- **Any evidence of completion of pharmacological training and certification from an accredited institution of higher learning or an equivalent thereof or evidence of passage of an examination approved by the Board which tests the applicant’s knowledge of pharmacology**
- **Any proof of certification in coronary pulmonary resuscitation**
- **Proof of maintenance of \$1 million dollars in malpractice insurance coverage**

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Unless a waiver is requested and obtained, under Board Rule 430-13-.01, the Board may license by endorsement, an optometrist who holds a license that was obtained by examination from another state or territory of the United States subject to the following conditions:

(a) An applicant for licensure by endorsement must have been engaged in the active practice of optometry for at least five (5) of the seven (7) years immediately preceding his or her application;

(b) An applicant will not be considered for licensure by endorsement in the state of Georgia if he or she has failed the Georgia Practical Examination within ten (10) years preceding the date on which the application for endorsement is filed;

(c) The applicant must not have committed any act that would constitute a violation of the Georgia State Board of Optometry Laws and Rules and Regulations. Furthermore, he or she must not be the subject of any pending or unresolved board action or malpractice in this or any other state or territory;

(d) The applicant shall not be required to sit for any portion of the written examination other than the "Laws" portion as required by subparagraph (e)4 of this rule; and

(e) As part of the licensure process, the applicant shall complete an application for licensure by endorsement and shall:

1. submit all applicable fees;
2. cause to be submitted directly from the boards of all states in which the applicant holds a license to practice optometry certification demonstrating his or her good standing. To be considered for licensure by endorsement, an applicant's license(s) must be in good standing in any states and territories of the United States in which he or she successfully passed an examination for licensure, which states and territories have the same or similar licensing requirements as the State of Georgia;
3. submit official proof documenting his or her compliance with all continuing education requirements imposed by any states or territories in which a license to practice optometry is held; and
4. submit proof that he or she has taken and passed the "Law" portion of the Licensing examination of the Georgia State Board of Optometry.

The Board is authorized to issue a variance, or to grant a modification to all or part of the literal requirements of a rule, where appropriate. To demonstrate satisfaction of the above documentation requirements, the Board may accept one or more of the following as part of an application by endorsement for licensure:

- Copies of employer records verifying employment as an Optometrist
- Copies of an active, unencumbered Optometrist pocket cards from another jurisdiction
- State or Federal Department of Labor records verifying employment as an Optometrist
- Documentation from a national certification organization or body for Optometry
- FEMA-GEMA information
- Any other information or documentation deemed acceptable by the Board.

If an endorsement applicant does not meet one or more of the requirements provided in Board Rule 430-13-.01, the applicant may submit a request for a waiver. Under Georgia law, the Board is authorized to grant a variance or waiver to a rule only when a person subject to that rule demonstrates that the purpose of the underlying statute upon which the rule is based can be or has been achieved by other specific means which are agreeable to the person seeking the

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variance or waiver and that strict application of the rule would create a substantial hardship to such person.

Upon satisfactory completion of the Endorsement Application and Waiver Request, if necessary, the applicant may be issued a license to practice Optometry in Georgia.

The Board has the authority to refuse to license an applicant as well as to revoke, sanction or discipline a licensee for providing to the Board any false information for the purposes of obtaining licensure as an Optometrist in Georgia. The findings of the Board regarding false information may also be reported to other appropriate state or federal agencies for investigation and prosecution.

**Date Adopted:** **09/14/2005**

There being no further business to come before the Board, the meeting was adjourned at 8:25 a.m.

**Minutes recorded by:** Yvonne LeSane, Board Secretary

**Minutes reviewed and edited by:** Brig Zimmerman, Executive Director

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Kay F. Royal, President

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Mollie L. Fleeman, Division Director